

ENROLLED ORDINANCE 158-158

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE E ½ OF SECTION 9, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (ZT-1528)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on March 10, 2004, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Mukwonago Zoning Ordinance, adopted by the Town of Mukwonago on May 9, 1983, is hereby amended to conditionally rezone from the R-1 Residential District to the R-2 Residential District, certain lands located in part of the E ½ of Section 9, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-1528), subject to the following conditions:

1. Subject to the parcels being combined by a Certified Survey Map, which must be approved by the Town of Mukwonago Town Board and the Waukesha County Department of Parks and Land Use Planning and Zoning Division Staff.
2. Subject to the petitioners providing to and receiving approval from the Town Planner, proof from the Waukesha County Register of Deeds office that the subject parcels have access via an easement to Sudgen Road.
3. Subject to the petitioners providing to and receiving approval from the Town Planner proof that the access road to the 3.02 acre remnant parcel (Haessly's) is not from Whitmore Road, up a steep slope exceeding the Town of Mukwonago's Building Code requirements.
4. Subject to the petitioners accepting the terms and conditions of the conditional rezoning ordinance in writing.
5. Subject to the petitioners paying all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town of Mukwonago in the drafting, review and enforcement of this zoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.